

IN THE SUPERIOR COURT
FOR THE DISTRICT OF COLUMBIA
Civil Division

- - - - - x

JOHN MEDLIN, FRANCES :
MEDLIN :

Plaintiffs :

vs. : No. 2009 CA 008958 A

CLEVER BROOKS BOILERS, :
ET AL. :

Defendants :

- - - - - x

August 18, 2001

Bethesda, Maryland

DEPOSITION OF:

DARELL BEVIS

was called for examination by counsel for the
Defendant 3M, pursuant to notice, taken at Brown &
Gould, 7316 Wisconsin Avenue, Suite 200, Bethesda,
Maryland, commencing at 9:38 a.m., before Misty
Klapper, a Notary Public in and for the State of
Maryland, when were present on behalf of the
respective parties:

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Exhibit 3

1 **Q. Well, I thought we agreed that you had**
2 **promoted Bevis Respirator Consultants as being very**
3 **successful with a win/loss record.**

4 A. Absolutely. Most of our -- I consider a
5 settlement, no trial, whether there's a depo or not, I
6 consider that. If we are paid -- if the plaintiff is
7 paid a satisfactory sum of money, I consider that a
8 win, a settlement.

9 **Q. Excuse me, how do you know whether the**
10 **plaintiff is paid a satisfactory amount of money?**

11 A. Typically I communicate with my attorneys
12 who will say we're very happy with the settlement.
13 No, they didn't break your agreement and say gee, we
14 got a million-and-a-half, simply we're very satisfied,
15 we're very happy with the settlement.

16 **Q. What else at Bevis Respirator Consultants**
17 **constitutes a win?**

18 A. A win is adequate settlement. A win is
19 an actual win in the courtroom. And based on the
20 number of cases that I have -- that I have done, we --
21 we go to court on maybe two percent. And we've been
22 very, very successful with those. We lose very few of

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1 them.

2 **Q. How many cases have you testified at**
3 **trial in which you were providing testimony in a case**
4 **in which 3M was a party at trial?**

5 A. Over my career, I -- I can't tell you how
6 many cases. I do know that there was a group down in
7 Texas. Diane Dwight handled those cases. And we had
8 a couple of trials. We won both of those. They were
9 against 3M, by the way. We won both of those and then
10 settlements occurred on most of the rest, satisfactory
11 according to Diane.

12 **Q. So you testified twice in Texas in which**
13 **3M was a party?**

14 A. Oh, yeah. All of my first cases were --
15 were 3M cases.

16 **Q. And when would that have been, sir?**

17 A. That was starting in the '80s.

18 **Q. And so your testimony is that you**
19 **testified in the 1980s, I believe, at trial in a case**
20 **or cases in which 3M was a party?**

21 A. To the best of my recollection, yes.
22 Again, that's a lot of years back and I don't even

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1 have files on those cases any more.

2 **Q. Okay. Any other trials in which you've**
3 **testified in which 3M was a party, other than Dwight**
4 **Parker in 2007?**

5 A. You know, I don't recall and I couldn't
6 name a specific, so let's say I simply don't recall.

7 **Q. And it's your testimony that there was**
8 **some jury verdict reached in these cases in 1980 in**
9 **which 3M was a party in which Ms. Dwight --**

10 A. To the best of my recollection, yes.

11 **Q. Do you think you could be wrong?**

12 A. It's possible, certainly.

13 **Q. Do you view yourself as being part of a**
14 **winning team?**

15 A. I consider myself to be a very good
16 expert, a very fair expert and I can present data to
17 support my contentions.

18 **Q. But I gather since you keep track of your**
19 **wins and losses, you consider it important to be**
20 **winning?**

21 A. Absolutely.

22 **Q. And you consider your role in the case to**

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1 **help the plaintiff win?**

2 A. Absolutely.

3 **Q. Is there a code of ethics published by**
4 **the American Industrial Hygiene Association?**

5 A. Yes, there is.

6 **Q. Do you follow that code?**

7 A. I believe I do.

8 **Q. Do you know whether or not the code of**
9 **ethics published by the American Industrial Hygiene**
10 **Association incorporates the concept of winning?**

11 A. You know, I don't -- I don't recall.

12 It's been a long time since I've read the code. I was
13 a full member of AIHA for thirty -- thirty-five or
14 forty years. I can give you the exact on that.

15 **Q. You're familiar with work done by OSHA to**
16 **develop an assigned protection factor for respirators?**

17 A. Absolutely.

18 **Q. That resulted in a publication of a**
19 **standard or regulation in 2006?**

20 A. Yes.

21 **Q. How were you involved?**

22 A. Well, through telephone conversations

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